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Attorney for Plaintiff.

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF THE NORTHERN MARIANA ISLANDS**

SAIPAN HANDICRAFT,

Plaintiff,

vs.

MICRONESIA WOODCRAFT ENT., INC.,  
et al.,

Defendants.

Civil Action No. 05-0040

**PLAINTIFF'S APPLICATION FOR  
ENTRY OF DEFAULT JUDGMENT  
AGAINST DEFENDANT  
IGARASHI SHO o TEN, Inc.**

Plaintiff Saipan Handicraft requests that the Clerk of Court enter a default against Defendant Igarashi Sho o Ten, Inc., pursuant to Fed.R.Civ.P. 55. In support thereof, Plaintiff states:

1. Plaintiff filed its First Amended Verified Complaint on April 18, 2006, adding Igarashi Sho o Ten, Inc. as a named Defendant. *See* ¶ 32 of First Amended Verified Complaint filed herein.
2. On April 21, 2006, Plaintiff served Defendant with a Summons and a copy of Plaintiff's First Amended Verified Complaint. *See* Plaintiff's Proof of Service on Defendant Igarashi Sho o Ten, Inc. filed herein on April 26, 2006.
3. Defendant has failed to file to answer, file any responsive pleading, or otherwise defend the suit within the time period prescribed under Fed.R.Civ.P. 12(a)(1)(A).
4. Plaintiff is entitled to an Entry of Default and meets the procedural requirements for

obtaining an Entry of Default from the Clerk as demonstrated by Plaintiff's counsel's declaration, attached hereto as Exhibit "A."

5. The Clerk of Court may enter a default against a party who has not filed a responsive pleading or otherwise defended against the suit. Fed.R.Civ.P. 55(a); *New York Life Ins. Company v. Brown*, 84 F.3d 137, 141 (5<sup>th</sup> Cir. 1996).

6. Defendant is neither an infant nor an incompetent. Fed.R.Civ.P. 55(b).

7. Because Defendant did not file a responsive pleading or otherwise defend the suit, Defendant is not entitled to notice of entry of default. Fed.R.Civ.P. 55 and Rule 5(a); *Direct Mail Specialists, Inc. v. Eclat Computerized Tech., Inc.*, 840 F.2d 685, 689 (9<sup>th</sup> Cir. 1988).

For the foregoing reasons, Plaintiff requests that the Clerk of Court for an entry of default against Defendant.

Respectfully submitted this 4 day of July, 2006.

  
F. MATTHEW SMITH  
Attorney for Plaintiff Saipan Handicraft